

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re IBM Subpoena in the matter of:

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Plaintiff,

vs.

PLATFORM SOLUTIONS, INC.

Defendant.

CASE NO. 5:07-mc-80174-JW PVT

Underlying action pending in the United
States District Court for the Southern District
of New York, CASE NO. CV 06-13565 SCR

**[PROPOSED] ORDER DENYING
HEWLETT-PACKARD'S MOTION TO
MODIFY SUBPOENA AND FOR A
PROTECTIVE ORDER**

Date: October 23, 2007

Time: 10:00 a.m.

Court: Courtroom 5

Before: The Honorable Patricia V. Trumbull

Hewlett-Packard Company's ("H-P's") motion to modify subpoena and for a protective order came before the Court for hearing on October 23, 2007 at 10:00 a.m. The Court, having considered the papers in support of and opposition to the motion, and having considered the arguments of counsel, the pleadings on file in the case, and all other evidence and argument presented to the court in the matter, finds that H-P has waived its objections to the subpoena served on it by International Business Machines Company ("IBM") on May 31, 2007. The Court further finds that the subpoena (1) is not unduly burdensome; (2) does not improperly seek trade secrets or other confidential information; (3) does not improperly seek documents in the possession of Platform Solutions Inc.; and (4) is not unnecessarily duplicative. The Court further finds that H-P's proposed protective order unreasonably restricts access of IBM's in-house counsel to documents produced by H-P.

Accordingly, the Court denies the motion to modify subpoena and for a protective order in its entirety.

IT IS SO ORDERED

DATED: _____

The Honorable Patricia V. Trumbull
United States Magistrate Court Judge